

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA, Plaintiff, v. LADMARALD CATES, Defendant.	Case No. 11-CR-200-JPS ORDER
LADMARALD CATES, Petitioner, v. UNITED STATES OF AMERICA, Respondent.	Case No. 14-CV-1092-JPS ORDER

In January 2012, Defendant Ladmarald Cates (“Cates”), a former Milwaukee police officer, was convicted by a jury of deprivation of rights under color of law, including aggravated sexual assault, in violation of 18 U.S.C. § 242. (Case No. 11-CR-200-JPS (the “Criminal Case”), Docket #22 and #26). On July 30, 2012, Cates was sentenced to 24 years’ imprisonment for the offense of conviction. (Criminal Case, Docket #54).

Cates subsequently filed a motion to vacate his conviction and sentence under 28 U.S.C. § 2255, raising 19 claims, including several based on ineffective assistance of counsel. (Case No. 14-CV-1092-JPS (the “Habeas Case”), Docket #1). This Court denied his motion. (Habeas Case, Docket #18). Cates appealed the denial of his Section 2255 petition, and the Seventh

Circuit Court of Appeals reversed the denial, holding that Cates received ineffective assistance of counsel at trial. *See Cates v. United States*, 882 F.3d 731 (2018). The mandate issued on May 22, 2018. (Habeas Case, Docket #39).

In light of the Seventh Circuit's mandate reversing the judgment of this Court in Cates' Habeas Case and remanding for further proceedings, the Court will grant Cates' Section 2255 motion and order that the conviction and sentence in his Criminal Case be vacated. The Clerk of the Court is directed to reopen the Criminal Case for further proceedings.

Accordingly,

IT IS ORDERED that Ladmarald Cates' motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 (Case No. 14-CV-1092-JPS, Docket #1) be and the same is hereby **GRANTED**;

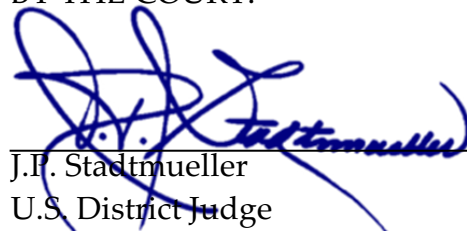
IT IS FURTHER ORDERED that the judgment against Ladmarald Cates in the Habeas Case (Case No. 14-CV-1092-JPS, Docket #19) be and the same is hereby **VACATED**, and the Clerk of the Court is directed to enter judgment in the Habeas Case in his favor;

IT IS FURTHER ORDERED that the judgment in Ladmarald Cates' criminal case (Case No. 11-CR-200-JPS, Docket #54) be the same is hereby **VACATED** and that the Criminal Case be reopened for further proceedings; and

IT IS FURTHER ORDERED that Ladmarald Cates' Habeas Case (Case No. 14-CV-1092-JPS) be and the same is hereby **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 19th day of July, 2018.

BY THE COURT:



J.F. Stadtmueller
U.S. District Judge